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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,108	01/14/2004	Danny D. Diaz	R087.1287.1	2939
26158	7590	06/21/2005		
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC			EXAMINER	
P.O. BOX 7037			JOHNSON, STEPHEN	
ATLANTA, GA 30357-0037				
			ART UNIT	PAPER NUMBER
			3641	

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/757,108

Applicant(s)

DIAZ ET AL.

Examiner

Stephen M. Johnson

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 11 and 15-19 is/are rejected.
- 7) ☒ Claim(s) 9 and 12-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 3641

1. Claims 2-3, 6, 10, 15-16, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 2, 15, and 16, the phrase “the cylinder” lacks an antecedent. Claim 6 claims “about 50% and about 100%”. About 50% and about 100% of what is intended? In claim 10, the phrase “the safety element” lacks complete agreement with its antecedent. In claim 16, the phrase “the desired preset setting” lacks an antecedent. In claim 18, it is not understood as to what is meant by the phrase “the variable engagement setting is between about 50% and about 100% of the preset engagement setting”. What is the value of the preset engagement setting and how is it 50% to 100% of the variable engagement setting?

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4-8, 11, and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Wright et al..

Wright et al. discloses a firearm comprising:

- |   |          |
|---|----------|
| a) a barrel;                                  | inherent |
| b) a trigger;                                 | 3, 5     |
| c) a sear;                                    | 7        |
| d) a preset and variable engagement settings; | 21, 22   |
| e) a trigger pull adjustment;                 | 23, 24   |

Art Unit: 3641

- f) over-travel adjustment; 25
- g) a firing pin; and 15
- h) a trigger block adjustment. 26

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al. in view of Hauser et al..

Wright et al. apply as previously recited. However, undisclosed is an adjustment screw That includes an engagement screw threadably coupled to an engagement sleeve cylinder. Hauser et al. teach an engagement screw threadably coupled to an engagement sleeve cylinder 56, 57, 59. Applicant is substituting one adjustment screw assembly for another in an analogous art setting. It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Hauser et al. to the Wright et al. firearm and have a firearm with a different type of adjustment screw.

6. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Dayton.

Dayton discloses a firearm comprising:

- a) a barrel; inherent
- b) a trigger; 8, 17
- c) a sear; 5
- d) a preset and variable engagement settings; 18, 19

Art Unit: 3641

e) a trigger pull adjustment; and

20

f) an adjustable screw threadably coupled to a cylinder sleeve.

18, 19 (see fig. 2)

7. Claims 3 and 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

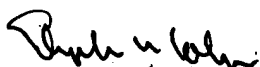
8. Claims 9 and 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Huber, Weatherby, Hoard, Walker et al., and Sirkis disclose other state of the art firearms with adjustment assemblies.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 571-272-6877. The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 800-786-9199.



**STEPHEN M. JOHNSON**  
**PRIMARY EXAMINER**

Stephen M. Johnson  
Primary Examiner  
Art Unit 3641

Application/Control Number: 10/757,108

Page 5

Art Unit: 3641

SMJ

June 16, 2005